

HUGHES HUBBARD & REED LLP
William T. Bisset (bisset@hugheshubbard.com)
350 South Grand Avenue
36th Floor
Los Angeles, California 90071-3442
Tel: (213) 613-2881

HUGHES HUBBARD & REED LLP
James B. Kobak, Jr. (kobak@hugheshubbard.com)
One Battery Park Plaza
New York, New York 10004
Tel: (212) 837-6000

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DISCOVISION ASSOCIATES, a California
partnership,

Plaintiff,

v.

TOSHIBA CORPORATION, a Japanese
corporation,

Defendant.

No. 08 Civ. 3693 (HB)

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the declaration of Dale Tarzia, dated May 8, 2008, Plaintiff's Statement Of Material Facts As To Which There Is No Genuine Dispute Pursuant To Local Civil Rule 56.1, dated May 28, 2008, the Memorandum of Law in support hereof dated, May 28, 2008, and all the prior pleadings and proceedings held herein, Plaintiff Discovision Associates, by its undersigned attorneys, hereby moves this Court, before the Honorable Harold Baer, on a date to be determined by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting partial summary judgment in favor of Plaintiff and against Defendant Toshiba Corporation on Plaintiff's First Claim for Relief (Breach

of Contract Regarding Audit), and such other and further relief as the Court deems just and proper.

Dated: New York, New York
May 28, 2008

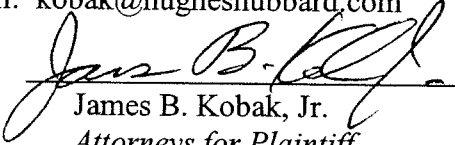
HUGHES HUBBARD & REED LLP

William T. Bisset
350 South Grand Avenue
36th Floor
Los Angeles, California 90071-3442
Tel: (213) 613-2881
Fax: (213) 613-2950
email: bisset@hugheshubbard.com

HUGHES HUBBARD & REED LLP

James B. Kobak Jr.
One Battery Park Plaza
New York, New York 10004-1482
Tel: (212) 837-6757
Fax: (212) 422-4726
email: kobak@hugheshubbard.com

By:



James B. Kobak, Jr.
Attorneys for Plaintiff
Discovision Associates

To: Frank J. Colucci
Colucci & Umans
218 East 50th Street
New York, New York 10022-7681

Attorneys for Defendant Toshiba Corporation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
DISCOVISION ASSOCIATES, a California
partnership,

Plaintiff,

v.

TOSHIBA CORPORATION, a Japanese
corporation,

Defendant.
----- X

No. 08 Civ. 3693 (HB)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK.....)

ss.:


COUNTY OF NEW YORK....)

Margaret Murphy, being duly sworn, deposes and says that I am over the age of eighteen years, not a party to this action, and am in the employ of Hughes Hubbard & Reed LLP, attorneys for Plaintiff herein.


That on May 28, 2008, at approximately 3:15 p.m., deponent served
**NOTICE OF MOTION, MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT, PLAINTIFF'S STATEMENT OF
MATERIAL FACTS, and DECLARATION OF DALE TARZIA IN SUPPORT,** by hand
upon:

Frank J. Colucci
Colucci & Umans
218 East 50th Street
New York, New York 10022-7681

By personally leaving true copies with a person of suitable age and discretion who stated that he was authorized to accept service on behalf of Colucci & Umans.


MARGARET MURPHY
License Number 1267699

Sworn to before me this
28th day of May, 2008


Notary Public

PATRICIA E. SMITH
Notary Public, State of New York
No. 1SM4796951
Qualified in Richmond County
Certificate Filed in New York County
Commission Expires March 30, 20 11